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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,583	11/02/2001	Anders Eckerbom	980166US/II	6352

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EXAMINER

OCAMPO, MARIANNE S

ART UNIT PAPER NUMBER

1723

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/890,583

Applicant(s)

ECKERBOM ET AL

Examiner

Marianne S. Ocampo

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the limitation of the **connection device being a quick-fastener device**, as in claim 2, and the limitation “**the water trap is intended for one-time use only**” in claim 7, lack proper antecedent basis in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hankison et al. (US 3,572,008).

4. Regarding claim 1, it is unclear if the applicants are claiming a combination in the form of a liquid separator comprising a water trap and a holder unit therefor, or simply a subcombination in the form of a liquid separator comprising a water trap and the water trap is used with a holder unit (i.e. the holder unit is not part of the invention). For examination purposes, the examiner has considered that the claimed invention is the liquid separator comprising a water trap fitted within a holder unit (combination).

5. With respect to claim 1, Hankison et al. (008) disclose a liquid separator for separating liquid from gases, comprising a water trap (214, 208) which includes a container (214), a connection (210, 216) for incoming gas flow, a separation chamber (208) that includes a filter (208) and at least one connection passageway (250, 242) connected to the outlet (202) of a holder unit/housing (200) therefor, characterized in that the water trap can be removably fitted in a holder unit (200), and the holder unit being provided with connection devices (227, 229) for accommodating the connection passageway (250, formed by the upper end/wall of the 214), as in fig. 2 and cols. 1 - 10.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hankison et al..

8. With regards to claim 7, Hankison et al. have disclosed all the limitations recited in the base claim 1 but fail to disclose the water trap intended for one-time use only. Hankison et al. disclose/teach the water trap (214, 208) being replaceable, as in col. 5, lines 37 – 39, and therefore, is capable of being disposed of after using it only one time. Depending upon the material of manufacture, the water trap or filter could need replacement only after one use.

9. Claims 2 – 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hankison et al. in view of Posner et al. (US 5,651,887).

10. Concerning claim 2, Hankison et al. have disclosed all the limitations recited in the base claim 1, but fail to disclose the connection device being a quick-fastener device (here, the term as “quick-fastener device” is defined to be any device which allows snap connection or quick-disconnect connection thereof.). Posner et al. teach a holder unit (300 or 320) for a liquid separator (100) having a quick fastener connection device (306, 307 or 322, 323) for mounting or connection with a holder unit (300 or 320), as in figs. 12 – 13 and cols. 10 – 11. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the connection

device of Hankison et al. by substituting it with the quick-disconnect/quick fastener of Posner et al., in order to provide an improved design that allows easy installation and removal/replacement of the water trap/filtration cartridge from its holder/mount unit and provides greater stability when mounted (see col. 3 of Posner et al.).

11. With regards to claim 3, Hankison et al. have disclosed all the limitations recited in the base claim 1, but fail to disclose the water trap including two connection passageways and the holder unit including two connection devices. Posner et al. also teach the holder unit (300) having two connection devices (302 & 303 or 322 & 323) and the water trap/filter (100) fitted with the housing (300) having two connection passageways (306 & 307), as in figs. 12 – 13 and cols. 10 – 11. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the connection device of Hankison et al. by adding the embodiment taught by Posner et al., in order to provide more stable mounting of the water trap/filter with/within its holder unit.

12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hankison et al. in view of Carlson et al. (US 6,120,685).

13. With regards to claim 4, Hankison et al. have disclosed all the limitations recited in the base claim 1, but fail to disclose the holder unit (i.e. housing) including a first electric (electrical) contact element which functions to detect presence of the liquid (i.e. water) trap in

the holder/housing unit and to stop flow of sample gas (fluid) to an analysis instrument (or any instrument including storage/point of use facility which uses the filtered fluid or gas after the liquid has been removed or otherwise filtered) when no water/liquid trap is fitted in the holder/housing unit. Carlson et al. teach a holder unit for a filter/trap capable of use for a liquid (such as water) trap in which the filter (i.e. trap) holder unit includes including at least a first electric/electrical contact element (278 of 268 or 269) which functions to detect presence of a filter or liquid (water) trap in the filter holder/housing unit and to stop flow of sample gas (or fluid) to an analysis instrument (such as a storage/point of use facility using the filtered fluid or gas after the fluid has been removed or otherwise filtered) when no water/liquid trap or filter cartridge is fitted in the holder/housing unit, as in cols. 7 – 8. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the holder unit of the liquid separator of Hankison et al. by adding the embodiment taught by Carlson et al. in order to provide an improved liquid separator having the means for stopping flow of a fluid or controlling flow of the fluid through the separator such that accidental discharge of untreated gas (or unfiltered fluid) into the analysis instrument would be prevented.

14. Claims 5 - 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hankison et al. in view of Clack et al. (US 6,051,144).

15. Concerning claim 5, claim 5 depends from claim 1 and in claim 1, there has not been any mention of a first electric contact element, it is unclear if claim 5 is supposed to be a

dependent claim of claim 4 which recites/claims the first electric contact element, or not. If not, it would seem that there is a typographical error in that the word "second" in the phrase "second electric contact element" in line 3 of claim 5 should be deleted. Furthermore, it is also unclear if claim 5 is including in the claimed invention the combination of the liquid separator (comprising a water trap and a holder unit) and the analysis instrument connected to the holder unit since the (second) electric contact element is adjusting the analysis instrument in accordance to the type of water trap used (see last three lines of claim 5) and because the analysis instrument has not been positively recited as part of the liquid separator.

16. Hankison et al. have disclosed all the limitations recited in the base claim 1, but fail to disclose the holder unit further comprising an (which could be a second) electric contact element which is able to detect the type of water trap fitted in the holder unit and adjust an analysis instrument in accordance with the type of water trap used. Clack et al. teach a holder unit (base) having a detector means (reed switches) which detects the type of filter (or water trap) fitted in the holder unit/base and adjust an analysis instrument (which could be a controller or other type of equipment connected thereto, such as a storage tank or another piece of the filtration apparatus) in accordance with the type of filter (i.e. type of filtration media or having different volumes of filtration cartridge) or water trap used, as in the abstract and cols. 19 – 24. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the holder unit of Hankison et al. by adding the embodiment taught by Clack et al. in order to provide an improved liquid separator having the means to control the type of filter/water trap

used for a particular application and indicator to let the user know that a wrong filter/water trap has been fitted in the holder unit.

17. With respect to claim 6, Hankison et al., as modified by Clack et al., also teach the filter/water trap to be used with the holder unit or base could have different sizes/capacity which may be designed for different volumes (i.e. infant size vs. adult size) and in one of those different sizes/capacities (i.e. properly configured filter/water trap) includes means (i.e. its capacity as measured by some sensor/flow meter means or labeling means) for actuating the second electrical contact/reed switch or detector, as in cols. 21 – 22. The same motivation applied above in claim 5 is applied here.

18. Claim 6 also includes a means- plus- function language (i.e. *means for actuating the second electric contact element of the holder unit*), thereby invoking questions as to what structures or equivalents are considered to meet this particular feature. In reviewing the applicants' specification, the examiner has found the original specification/disclosure to be deficient and has not described clearly what structures or materials meet this particular means plus function language/limitation in claim 6. **The examiner is requiring the applicants to amend the specification pursuant to 37 CFR 1.75 (d) and MPEP 608.01 (o) to explicitly state with reference to the terms and phrases of the claim element, what structures or materials perform the function recited in the claim element.** See 35 USC 112, 6th paragraph and also case laws, *B. Braun Medical*, 124 F.3d at 1424, 43 USPQ2d at 1900, and

Wolfensperger, 302 F.2d at 955, 133 USPQ at 542. See also 37 CFR 1.75 (d)(I) and MPEP 2181, pages 213-214.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents 3,261,145 (Paulson et al.), 6,303,031 B1 (Senner), 6,537,444 B2 (Wilberscheid et al.), 6,533,926 B2 (Hawkins et al.), 5,674,381 (Den Dekker) and 3,066,462 (Yap et al.) and US Patent Application Publication 2002/0144937A1 (Wilberscheid et al.).

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (703) 305-1039. The examiner can normally be reached on Mondays to Fridays from 8:30 A.M. to 4:30 P.M..

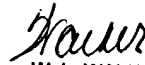
21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone number for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

22. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



M.S.O.

August 21, 2003



W. L. WALKER

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700